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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,544

03/17/2005

Stuart Michael Nevill

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5201

21839 7590 03/29/2007
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/526,544	Applicant(s) NEVILL, STUART MICHAEL	
	Examiner HUYEN D. LE	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 10-17, 20, 22, 23 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 12-17, 22, 23 and 33-38 is/are rejected.
- 7) ☒ Claim(s) 11 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following: in lines 5-6, "-like" should be deleted for a positive limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 11 recites the limitation "the first-mentioned spoke-like members" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 34 recites the limitation "the first-mentioned spoke-like members" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 37 recites the limitation "the first-mentioned spoke-like members" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 10, 22-23, 33, 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Toru (JP 09-275598).

Art Unit: 2615

Regarding claims 1-2, Toru teaches a suspension (1, 2, 3, 4) for the voice coil that comprises an inner ring (1b, 2b, 3ab or 3bb, 4b), an outer ring (1c, 2c, 3ac or 3bc, 4c) and a plurality of radial spoke members (1a, 2a, 3a, 4a) as claimed (see the drawings).

Regarding claim 10, Toru teaches the spoke members that have width approximately equal to their length (see figures 7, 9 and paragraph [0041] in the English translation).

Regarding claim 33, Toru shows the spoke members are arranged with forward and backward as claimed (1aa, 1ab, 2aa, 2ab, 3ad, 3ad, 4aa, 4ab).

Regarding claims 35, Toru teaches a suspension (1, 2, 3, 4) for the voice coil that comprises an inner ring (1b, 2b, 3ab or 3bb, 4b), an outer ring (1c, 2c, 3ac or 3bc, 4c) and a plurality of radial spoke members (1a, 2a, 3a, 4a) as claimed (see the drawings). Toru further shows the spoke members are arranged with forward and backward as claimed (1aa, 1ab, 2aa, 2ab, 3ad, 3ad, 4aa, 4ab).

Regarding claim 3, Toru shows a hinge as claimed (figures 2, 5, 7, 9).

Regarding claim 36, Toru teaches the spoke members that are free of compressive stress between their ends (see the abstract).

Regarding claims 22-23, the spoke members of the suspension (1, 2, 3, 4 or 59) are made of resilient material that comprises plastics (see the abstract and paragraphs [0004], [0006], [0024]).

5. Claims 1-2, 12-17, 34, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Sahyoun (U.S. patent 6,853,734).

Art Unit: 2615

Regarding claims 1-2 and 37, Sahyoun teaches a suspension (1, 50) for the voice coil that comprises an inner ring (5, 76), an outer ring (3, 78) and a plurality of radial spoke members (9, 11, 13, 15, 17, 19, 74) as claimed (figures 1, 2 and 6).

Regarding claim 34 and 37, as broadly claimed, Sahyoun shows the spoke members (9, 17) that have a different construction and greater lateral stiffness since the electrically conductive traces (21, 23) are formed on the segments.

Regarding claim 38, Sahyoun teaches the spoke members that are free of compressive stress between their ends (col. 2, lines 58-60 and col. 3, lines 58-63).

Regarding claims 12-14, as broadly claimed, Sahyoun shows the spoke members of greater stiffness that are forked construction having two-pronged form as claimed (the pair of the spoke members 9 and 15, or 9 and 19, and the pair of the spoke members 11 and 17 or 13 and 17, figures 1 and 6).

Regarding claim 15, as broadly claimed, Sahyoun shows the spoke members that are substantially X-shaped (13 and 17 or 9 and 19).

Regarding claims 16-17, Sahyoun shows the spoke members of greater stiffness (9, 17) that are angled as claimed (figures 1 and 6).

Allowable Subject Matter

6. Claims 11 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2615

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tomiyama et al. (U.S. patent 7,006,652) teaches a speaker damper that has an inner ring and an outer ring.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL
March 24, 2007



HUYEN LE
PRIMARY EXAMINER

Substitute for form 1449A/PTO & 1449B/PTO

Complete if Known

**FIRST
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

1

Application Number

10/526544

Filing Date

March 3, 2005

First Named Inventor

Stuart Michael Nevill

Examiner Name

Attorney Docket Number

000035-064

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
<i>[Signature]</i>	4,353,432		Hasegawa et al.	10-12-1982

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec
<i>[Signature]</i>	09 275598		Japan	10-21-1997				X			
<i>[Signature]</i>	2 166 023		GB	04-23-1986				X			
<i>[Signature]</i>	91 06191		WO	02-05-1991				X			
<i>[Signature]</i>	550003232		Japan	01-11-1980				X			
<i>[Signature]</i>	1 241 917	A2	EP	09-18-2002				X			
<i>[Signature]</i>	0 694058		GB	07-15-1953				X			

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Notice of References Cited

Application/Control No.

10/526,544

Applicant(s)/Patent Under
Reexamination
NEVILL, STUART MICHAEL

Examiner

HUYEN D. LE

Art Unit

2615

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,853,734	02-2005	Sahyoun, Joseph Y.	381/404
*	B	US-7,006,652	02-2006	Tomiyama et al.	381/404
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	9-275598	10-1997	JP	Mori Toru	English Translation
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.